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09/574,437	05/20/2000	BARBARA A FOX	102689-7	8670

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/574,437

Applicant(s)

FOX ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8-16 and 20-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-16 and 20-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 5, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Claims 1-4, 6, 8-16, and 20-55 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6, 13, 14, 21, 22, 27-29, 31, 33, 39, 40, 42, 50-52, 54, and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Factor (USPN 6,272,523).

3. Referring to claim 1, Factor discloses a computer system, comprising:
  - a plurality of hardware resources (physical processes/servers) (Figure 2, reference characters 28, 30, and 32);
  - a plurality of logical resources (logical processes) (Figure 3, reference characters 42, and 44);
  - a plurality of functional processes (web browsers/applications from clients) (Figure 3, reference character 36; col. 3, lines 53-65);
  - a configuration process for configuring certain of the plurality of functional processes on particular ones of the logical resources (col. 3, lines 53-57); and

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a mapping process for creating a map associating the plurality of hardware resources with the plurality of logical resources (e.g. abstract; col. 6, lines 27-32).

4. Referring to claim 2, Factor discloses the computer system is a network device and wherein the mapping process is a network management system process (col. 6, lines 4-10).

5. Referring to claim 27, Factor discloses the process comprises a first process, the logical resource comprises a first logical resource and the physical resource comprises a first physical resource and further comprising:

configuring a second process (client/application) on a second logical resource (col. 6, lines 4-32; Figures 3 and 5); and

applying the configured second logical resource to a second physical resource (col. 6, lines 4-32; Figures 3 and 5).

6. Referring to claim 28, Factor discloses the first and second processes (clients/applications) are the same process (col. 6, lines 33-39).

7. Referring to claim 29, Factor discloses the first and second processes (clients/applications) are different processes (col. 6, lines 4-32) (it is inherent that when Factor discloses an embodiment of the invention to be used on the Internet (col. 6, line 6) that there are multiple clients to access multiple logical processes).

8. Referring to claim 31, Factor discloses the first and second logical resources are the different logical resources (col. 6, lines 10-12).

9. Referring to claim 33, Factor discloses the first and second physical resources are the different hardware resources (one-to-many mapping resources) (col. 3, line 66 to col. 4, line 15).

10. Referring to claim 39, Factor discloses assigning a logical identifier to the physical resource (col. 5, line 43 to col. 6, line 4).

11. Referring to claim 40, Factor discloses filling in a field in a table in a configuration database (col. 4, lines 1-15).

12. Referring to claim 42, Factor discloses the logical resource represents a physical hardware module (i.e. server) and the physical resource comprises the physical hardware module (Figures 2-3; col. 5 line 43 to col. 6, line 32).

13. Referring to claim 50, Factor discloses the logical resource comprises a logical identifier (col. 5, lines 61-64).

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14. Referring to claim 51, Factor discloses the computer system comprises a network device (i.e. server) (Figures 1-3).

15. Referring to claim 52, Factor discloses configuring the process on the logical resource comprises:

configuring network connectivity on the logical resource (allow the logical process access to the network to connect with the physical processes) (col. 4, lines 16-34;

Figures 1-3);

configuring a process on a logical resource (interact with clients/applications (col. 3, lines 52-55);

applying the configured logical resource to a physical resource (col. 4, lines 1-15).

16. Referring to claim 55, Factor discloses the process comprises an application (col. 3, lines 53-55).

17. Claims 6, 13, 14, 21, 22, and 54 are rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10-12, 32, 34-38, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Factor.

20. Referring to claim 10, Factor discloses a method and system of operating a computing system as stated in the claims above. Factor does not disclose the functional processes include device driver processes, however it is suggested by the prior art that this feature would be obvious to include to the system of Factor to allow the flexibility of adding servers to allow communications to occur with other devices.

21. Referring to claims 11 and 12, Factor discloses a method and system of operating a computing system as stated in the claims above. Factor does not disclose the functional processes include an ATM network protocol application, however it is

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suggested by the prior art that this feature would be obvious to include to the system of Factor because ATM networking is well known in the art of networking and is an alternative to the standard Ethernet networking system.

22. Referring to claim 32, Factor discloses a method of operating a computing system as stated in the claims above. Factor does not necessarily state that the first and second physical resources are the same logical resource, however it is suggested by the prior art that it would be obvious that the first and second physical resource can be the same to allow multiple logical resources the opportunity to interface with that particular physical resource (i.e. multiple proxy servers interfacing with one content server).

23. Referring to claims 34 and 35, Factor discloses a method of operating a computer system as stated in the claims above. Factor furthermore discloses filling in a plurality of fields in a plurality of tables in a database for mapping logical processes to physical processes (col. 4, lines 1-6). Factor does not disclose that configuring a process on a logical resource comprises filling in a plurality of fields in a plurality of tables in a configuration database. However it is suggested by the prior art that it would have been obvious to incorporate the teaching of mapping logical to physical processes to functional processes on a logical resource to keep track of specific settings and configurations necessary for the process to interact with the logical resource.



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24. Referring to claim 36, Factor discloses a method of operating a computer system as stated in the claims above. Factor does not disclose the plurality of tables comprise an application group table, however it is suggested by the prior art that it would have been obvious to incorporate an application group table to the system of Factor to reduce the overall complexity of the system while allowing for monitoring tools to determine which applications are degrading the overall performance of the system.

25. Referring to claim 37, Factor discloses a method of operating a computer system as stated in the claims above. Factor does not disclose the plurality of tables comprise an application interface table, however it is suggested by the prior art that it would have been obvious to incorporate an application interface table to the system of Factor to determine the interaction between the applications and to increase the overall performance of the system, while further reducing complexity and user monitoring.

26. Referring to claim 38, Factor discloses a method of operating a computer system as stated in the claims above. Factor does not disclose the plurality of tables comprise a service end point table, however it is suggested by the prior art that it would have been obvious to incorporate a service end point table to reduce overall complexity of the system and to easily determine what resources are currently being used by which users of the system.

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27. Referring to claim 53, Factor discloses a method of operating a computer system as stated in the claims above. Factor does not disclose adding the physical resource to the computer system, wherein applying the configured logical resource to the physical resource is delayed until the physical resource is added to the computer system.

However it is suggested by the prior art that it would have been obvious to add the physical resource to the computer system, wherein applying the configured logical resource to the physical resource is delayed until the physical resource is added to the computer system for increased flexibility in that adding servers or replicating processes can all be done within the interface system totally transparent to the client as supported by Factor (col. 6, lines 1-4).

Claims 23-26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Factor in view of Bruck et al. (USPN 6,088,330) (hereinafter Bruck).

28. Referring to claims 23, 24, and 26, Factor discloses a method of operating a computer system as stated in the claims above. Factor does not disclose detecting a fault on the physical resource, failing over from one resource to another and applying the logical resource to the other physical resource. Bruck discloses:

detecting a fault on the physical resource (col. 2, lines 23-40);

failing over from the physical resource to a second physical resource (col. 2, lines 23-40); and

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applying the configured logical resource to the second physical resource (col. 2, lines 23-40).

29. Referring to claim 25, Factor in view of Bruck disclose a method of operating a computer system as stated in the claims above. Factor in view of Bruck do not disclose the event includes a resource consumption notification, however it is suggested by the prior art that it would have been obvious to modify the system of Factor and Bruck to include a resource consumption notification to monitor the relative health of the resource (i.e. link, switch, router, etc.) and to determine if the resource is overused or underused.

30. Referring to claim 30, Factor discloses a method of operating a computing system as stated in the claims above. Factor does not disclose that the first and second logical resources are the same logical resource. Bruck discloses the first and second logical resources are the same resource (col. 2, lines 23-35). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Bruck and Factor to allow logical resources to switch physical resources when a physical resource is not working or has been deactivated.

Claims 3, 4, 8, 9, 15, 16, 20, 41, and 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Factor in view of Allen et al. (USPN 5,704,041) (hereinafter Allen).

31. Referring to claims 8, 9, 20, and 43-45, Factor discloses a computer system as stated in the claims above. Factor does not disclose that the hardware resources include line cards. Allen discloses that physical resources include computer cards (col. 1, lines 25-35). From this, It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Factor with Allen to allow multiple components of a computer to be represented by objects to be monitored and itemized to facilitate monitoring and inventory.

32. Referring to claims 3-4, 15, 16, 41, Factor in view of Allen discloses a computer system as stated in the claims above. Factor in view of Allen does not disclose the table comprises a logical to physical card table, however it is suggested by the prior art that this feature would have been obvious to one of ordinary skill in the art to include to the combined system of Factor and Allen to allow the logical and physical cards to be mapped to each other, facilitating associations between resources as well as for simplified access to important information.

33. Referring to claims 46 and 47, Factor in view of Allen disclose a computer system as stated in the claims above. Factor in view of Allen do not disclose that the physical hardware module comprises a central processing board, but rather a card, however the prior art suggests that this feature would have been obvious to one of ordinary skill in the art to include to the combined system of Factor and Allen to further

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expand the number and types of physical resources available to be instantiated as an object for facilitated monitoring and inventorying.

Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Factor in view of Davis et al. (USPN 6,477,566) (hereinafter Davis).

34. Referring to claim 48, Factor discloses a method of controlling a computer system as stated in the claims above. Factor does not disclose the logical resource represents a physical port on a forwarding card and the physical resource comprises the physical port on the forwarding card. Davis discloses a the logical resource which represents a physical port on a forwarding card and that the physical resource comprises the physical port on the forwarding card (col. 17, lines 14-27). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Davis with Factor to facilitate monitoring and management of physical resources by associating a template with the resource to facilitate message passing between the resources as supported in Davis (e.g. abstract).

35. Referring to claim 49, Factor discloses a method of controlling a computer system as stated in the claims above. Factor does not disclose the logical resource comprises a service endpoint and the physical port comprises a port on a forwarding card. Davis discloses the logical resource comprises a service endpoint and the physical port comprises a port on a forwarding card (col. 17, lines 14-27). It would be

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obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Davis with Factor to facilitate monitoring and management of physical resources by associating a template with the resource to facilitate message passing between the resources as supported in Davis (e.g. abstract).

### ***Conclusion***

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

37. Factor (USPN 6,311,219) discloses a system and method for locating resources in a distributed network.

38. Fish et al. (USPN 6,470,073) discloses a service state administration for a communications apparatus.

39. Greenstein et al. (USPN 5,784,702) discloses a system and method for dynamically performing resource reconfiguration in a logical partitioned data processing system.

40. Dan et al. (USPN 5,768,520) discloses a method for determining load capacity by grouping physical components into logical components whose loads represent fixed proportional loads of physical components.

41. Brown et al. (USPN 6,381,321) discloses a telecommunication resource allocation system and method.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA  
April 12, 2004

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
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